

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD E. BANI,

Plaintiff,

- against -

RIDGEBACK CAPITAL MANAGEMENT LLC,
WAYNE HOLMAN, BUD HOLMAN and
AMBROSE EMPLOYER GROUP LLC,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

DOC #:

DATE FILED: 18 MAY 2009

08 Civ. 8364 (PAC)

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

Defendants Ridgeback Capital Management LLC, Wayne Holman, Bud Holman and Ambrose Employer Group LLC move to compel arbitration on the grounds that each of Plaintiff Richard E. Bani's claims is covered by the arbitration clause in his employment agreement. Plaintiff cross-moves to disqualify Defendants' counsel pursuant to New York Code of Professional Responsibility DR 5-102. For the reasons stated on the record, after oral argument on May 13, 2009, Defendants' motion to compel arbitration is GRANTED and Plaintiff's cross-motion to disqualify counsel is DENIED. The Clerk of the Court is directed to close these motions and to dismiss Plaintiff's Complaint without prejudice to its renewal, should that prove necessary, upon completion of the arbitration.

Dated: New York, New York
May 13, 2009

SO ORDERED



PAUL A. CROTTY
United States District Judge